

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICHOLAS OTOMO, an individual;
TIMOTHY MCCRIGHT, an individual, on
behalf of themselves and all those similarly
situated,

Plaintiffs,

VS.

NEVADA ASSOCIATION SERVICES,
INC., a Nevada corporation; and DAVID
STONE, an individual.

Defendants.

Case No.: 2:10cv-02199-JCM-GWF

ORDER

Defendants' Motion to Dismiss or, Alternatively, Motion for Summary Judgment (#22), and Defendants' Motion to Dismiss Class Allegations (#23) came before this Honorable Court for oral argument after full written briefing on July 27, 2011 at 10:30 am. After reviewing all documents filed by the parties (#22, #33, #25, #26, #27, #28, #30, #33, #34, #35, #36, #37, #43, #44, #45, #46, #49, and #50), and hearing oral argument from James R. Adams, Esq. and Puoy K. Premsrirut, Esq. on behalf of the Plaintiffs and Patrick J. Reilly, Esq. on behalf of the Defendants, the Court for good cause appearing hereby finds and rules as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss or, Alternatively, Motion for Summary Judgment (#22) was heard pursuant to FRCP 56 and DENIED WITHOUT PREJUDICE. There is insufficient evidence before the Court to make any such ruling under FRCP 56 at this time.

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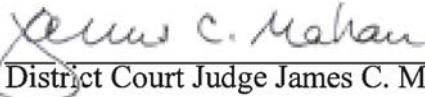
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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss Class Allegations (#23) is DENIED WITHOUT PREJUDICE.

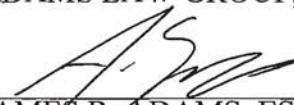
IT IS SO ORDERED.

Dated this 12th day of September, 2011.


U.S. District Court Judge James C. Mahan

Respectfully Submitted by:

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Approved as to Form:

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